



2921

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jennifer L. West and Kristyn Simcha Bohl

Serial No.: 09/653,406 Group Art Unit: Not yet assigned

Filed: September 1, 2000 Examiner: Not yet assigned

For: *NITRIC OXIDE-PRODUCING HYDROGEL MATERIALS*

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

**TRANSMITTAL OF DECLARATION FOR PATENT APPLICATION,
STATEMENTS CLAIMING SMALL ENTITY STATUS,
STATEMENT UNDER 37 C.F.R. § 3.73(b), AND REQUEST FOR REFUND**

Sir:

Applicants enclose the following for filing in the above-identified application:

1. Declaration for Patent Application executed by Jennifer L. West and Kristyn Simcha Bohl;
2. Statement Claiming Small Entity Status (37 C.F.R. §§ 1.9(f) and 1.27(d) --- Nonprofit Organization) executed by assignee Rice University;
3. Statement Claiming Small Entity Status (37 C.F.R. §§ 1.9(f) and 1.27(c) --- Small Business Concern) executed by licensee BioCure, Inc.;
4. Statement Under 37 C.F.R. § 3.73(b) executed by Rice University, with attached copy of the executed Assignment from Jennifer L. West and Kristyn Simcha Bohl to Rice University; and

11/09/2000 GTEFFERA 00000097 09653406

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U.S.S.N.: 09/653,406
Filed: September 1, 2000

**TRANSMITTAL OF DECLARATION FOR
PATENT APPLICATION, STATEMENTS CLAIMING
SMALL ENTITY STATUS, STATEMENT UNDER
37 C.F.R. § 3.73(b), AND REQUEST FOR REFUND**

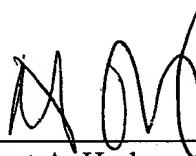
5. Check in the amount of \$65.00 for the small entity surcharge for late filing the Declaration for Patent Application.

Applicants have not yet received the Notice to File Missing Parts of Nonprovisional Application.

Applicants respectfully request a 50% refund of the \$1,472.00 filing fee in the application, a total of \$736.00, pursuant to 37 C.F.R. § 1.28.

Please charge any other fees due, or credit any overpayment, in connection with this matter to Deposit Account No. 01-2507. A duplicate of this transmittal is enclosed to facilitate this process.

Respectfully submitted,

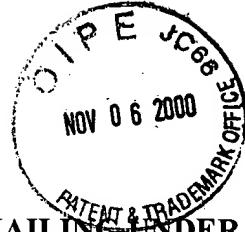


Robert A. Hodges
Reg. No. 41,074

Date: November 1, 2000

ARNALL GOLDEN & GREGORY, LLP
2800 One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3450
404-873-8796
404-873-8797 (fax)

U.S.S.N.: 09/653,406
Filed: September 1, 2000
**TRANSMITTAL OF DECLARATION FOR
PATENT APPLICATION, STATEMENTS CLAIMING
SMALL ENTITY STATUS, STATEMENT UNDER
37 C.F.R. § 3.73(b), AND REQUEST FOR REFUND**



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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this Transmittal of Declaration for Patent Application, Statements Claiming Small Entity Status, Statement Under 37 C.F.R. § 3.73(b), and Request for Refund, together with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231.

Chandra Russell

Chandra Russell

Date: November 1, 2000



Please place a plus sign (+) inside this box →

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PTO/SB/01 (12-97)

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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

Declaration Submitted with Initial Filing Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	RICE 100
First Named Inventor	Jennifer L. West
COMPLETE IF KNOWN	
Application Number	09 / 653,406
Filing Date	September 1, 2000
Group Art Unit	
Examiner Name	

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

NITRIC OXIDE-PRODUCING HYDROGEL MATERIALS

the specification of which

(Title of the Invention)

is attached hereto
OR

was filed on (MM/DD/YYYY) as United States Application Number or PCT International

Application Number and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

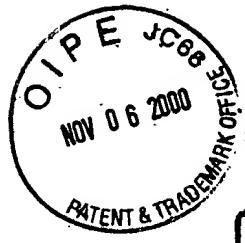
Application Number(s)	Filing Date (MM/DD/YYYY)	
60/152,054	09/02/1999	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

RICE 100

14750/2



Filed: September 1, 2000

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DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT International application designating the United States or listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02D attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Customer Number → *Plano Customer Number Bar Code Label here*

OR

Registered practitioner(s) name/registration number listed below

Name	Registration Number	Name	Registration Number
Patrea L. Pabst	31,284		
Robert A. Hodges	41,074		
Kevin W. King	42,737		

Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to: Customer Number or Bar Code Label OR Correspondence address below

Name	Patrea L. Pabst		
Address	Arnall Golden & Gregory, LLP		
Address	2800 One Atlantic Center, 1201 West Peachtree Street		
City	Atlanta	State	GA
Country	United States	Telephone	(404)873-8794
		Fax	(404)873-8795

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:	<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle if any)		Family Name or Surname	
Jennifer L.		West	
Inventor's Signature	<i>Jennifer L. West</i>		
Residence: City	Houston Pearland	State	TX
Post Office Address	3523 Senova Drive		
City	Pearland	State	TX
	ZIP	77584	
		Country	USA
<input type="checkbox"/> Additional inventors are being named on the <u>1</u> supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto			

Filed: September 1, 2000

NITRIC OXIDE-PRODUCING HYDROGEL MATERIALS



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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
1600 PENNSYLVANIA AVENUE, NW, WASHINGTON, DC 20540-0000

DECLARATION		ADDITIONAL INVENTOR(S) Supplemental Sheet Page <u>1</u> of <u>1</u>
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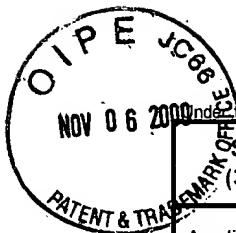
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned Inventor					
Given Name (first and middle [if any])		Family Name or Surname					
Kristyn Simcha		Bohl					
Inventor's Signature						Date	10/31/00
Residence: City	Houston	State	TX	Country	USA	Citizenship	US
Post Office Address	4065 S. Braeswood, Apt. 243						
Post Office Address							
City	Houston	State	TX	ZIP	77025	Country	USA
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned Inventor					
Given Name (first and middle [if any])		Family Name or Surname					
Inventor's Signature						Date	
Residence: City		State		Country		Citizenship	
Post Office Address							
Post Office Address							
City		State		ZIP		Country	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned Inventor					
Given Name (first and middle [if any])		Family Name or Surname					
Inventor's Signature						Date	
Residence: City		State		Country		Citizenship	
Post Office Address							
Post Office Address							
City		State		ZIP		Country	

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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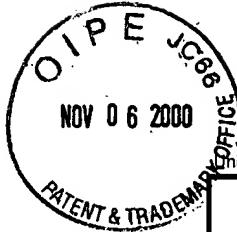
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STATEMENT CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) & 1.27(d))--NONPROFIT ORGANIZATION		Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
		Docket Number (Opt. 1) RICE 100
Applicant, Patentee, or Identifier: Jennifer L. West and Kristyn Simcha Bohl Application or Patent No.: 09/653,406 Filed or Issued: September 1, 2000 Title: NITRIC OXIDE-PRODUCING HYDROGEL MATERIALS		
I hereby state that I am an official empowered to act on behalf of the nonprofit organization identified below: NAME OF NONPROFIT ORGANIZATION Rice University ADDRESS OF NONPROFIT ORGANIZATION 6100 Main Houston, Texas 77005		
TYPE OF NONPROFIT ORGANIZATION: <input checked="" type="checkbox"/> UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION <input type="checkbox"/> TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3)) <input type="checkbox"/> NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA (NAME OF STATE _____) (CITATION OF STATUTE _____) <input type="checkbox"/> WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA <input type="checkbox"/> WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA (NAME OF STATE _____) (CITATION OF STATUTE _____)		
I hereby state that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:		
<input type="checkbox"/> the specification filed herewith with title as listed above. <input checked="" type="checkbox"/> the application identified above. <input type="checkbox"/> the patent identified above.		
I hereby state that rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities and that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).		
Each person, concern, or organization having any rights in the invention is listed below:		
<input type="checkbox"/> no such person, concern, or organization exists. <input checked="" type="checkbox"/> each such person, concern, or organization is listed below. BioCure, Inc.; 2975 Gateway Drive, Suite 100, Norcross, Georgia 30071		
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))		
NAME OF PERSON SIGNING <u>Daryl S. Boudeaux, Ph.D.</u> TITLE IN ORGANIZATION OF PERSON SIGNING <u>Director, Office of Technology Transfer</u> ADDRESS OF PERSON SIGNING <u>Rice University MS-705, 6100 Main St, Houston, TX</u> SIGNATURE <u>D.S. Boudeaux</u> DATE <u>November 1, 2000</u>		

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STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERNDocket Number
RICE 100

Applicant, Pattee, or Identifier: Jennifer L. West and Kristyn Simcha Bohl

Application or Patent No.: 09/653,406

Filed or Issued: September 1, 2000

Title: NITRIC OXIDE-PRODUCING HYDROGEL MATERIALS

I hereby state that I am

the owner of the small business concern identified below:
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN BioCure, Inc.

ADDRESS OF SMALL BUSINESS CONCERN 2975 Gateway Drive, Suite 100
Norcross, Georgia 30071

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

the specification filed herewith with title as listed above.
 the application identified above.
 the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

no such person, concern, or organization exists.
 each such person, concern, or organization is listed below.

Rice University; 6100 Main, Houston, Texas 77005

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING Andrew Maslaveckas

TITLE OF PERSON IF OTHER THAN OWNER Chief Operating Officer

ADDRESS OF PERSON SIGNING 2975 Gateway Dr., Suite 100, Norcross, GA

SIGNATURE

DATE November 1, 2000

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STATEMENT UNDER 37 CFR 3.73(b)

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Applicant/Patent Owner: Jennifer L. West and Kristyn Simcha Bohl

Application No./Patent No.: 09/653,406 Filed/Issue Date: September 1, 2000

Entitled: NITRIC OXIDE-PRODUCING HYDROGEL MATERIALS

TECH CENTER 1600/2900

Rice University

, a University

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- the assignee of the entire right, title, and interest; or
- an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

 Additional documents in the chain of title are listed on a supplemental sheet. Copies of assignments or other documents in the chain of title are attached.

NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

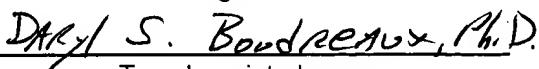
The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

November 1, 2000

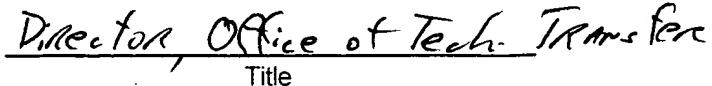
Date



Signature



Typed or printed name



Title

ASSIGNMENT

We, Jennifer L. West of 3523 Senova Drive, Pearland, Texas 77584, and Kristyn Simcha Bohl of 4065 S. Braeswood #243, Houston, Texas 77025, in consideration of ten dollars and other valuable consideration paid to us by Rice University, a corporation of the State of Texas, having its principal place of business at 6100 Main, Houston, Texas 77005, the receipt of which is hereby acknowledged, do hereby sell, assign and transfer unto said Rice University, its successors and assigns, the entire interest for the United States of America, and its territories and all foreign countries and jurisdictions, including all rights of priority under the International Convention for the Protection of Industrial Property, in a certain invention or improvement in "*Nitric Oxide-Producing Hydrogel Materials*" described in U.S. Application Serial No. 09/653,406 filed in the United States Patent and Trademark Office on September 1, 2000, by Jennifer L. West and Kristyn Simcha Bohl, which claims priority to U.S. Provisional Application Serial No. 60/152,054 filed in the United States Patent and Trademark Office on September 2, 1999, and in all Letters Patent of the United States and its territories and all foreign countries and jurisdictions which may or shall be granted on said invention, or any parts thereof, or on said application, or any provisional, divisional, continuation, continuation-in-part, reissue, or other applications based in whole or in part thereon. And we agree, for ourselves and our executors and administrators, with said corporation and its successors and assigns, but at its or their expense or charges, hereafter to execute all applications, amended specifications, deeds or other instruments, and to do all acts necessary or proper to secure the grant of Letters Patent in the United States and its territories and in all other foreign countries and jurisdictions to said corporation, with specifications and claims in such form as shall be approved by the counsel of said corporation, and to vest and confirm in said corporation, its successors and assigns, the legal title to all such patents.

Title: "Nitrile Oxide-Producing Hydrogel Materials"
By: Jennifer L. West and Kristyn Simcha Buhl
Filed: September 1, 2000
ASSIGNMENT

And we do hereby authorize and request the Commissioner of Patents and
Trademarks of the United States to issue such Letters Patent as shall be granted upon said
application or applications based thereon to said corporation, its successors and assigns.

WITNESS my hand and seal this 1st day of November, 2000.

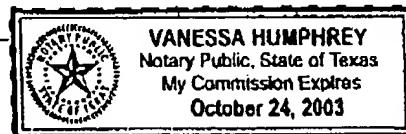

Jennifer L. West

State of Texas)
County of Harris)

Then personally appeared the above named Jennifer L. West and acknowledged
the foregoing instrument to be her free act and deed, before me this 1st day of
November, 2000.

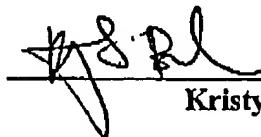

Vanessa Humphrey
Notary Public

My Commission expires: 10-24-03



Title: "Nitric Oxide-Producing Hydrogel Materials"
By: Jennifer L. West and Kristyn Simcha Bohl
Filed: September 1, 2000
ASSIGNMENT

WITNESS my hand and seal this 31st day of October, 2000.


Kristyn Simcha Bohl

State of Texas)
County of Harris)

Then personally appeared the above named Kristyn Simcha Bohl and
acknowledged the foregoing instrument to be her free act and deed, before me this
31st day of October, 2000.

Philippa C. Angelides
Notary Public

My Commission expires: 11-01-2000

